

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Jorge Bonilla Mesa,

Case No. 4:17CV1685

Petitioner

v.

ORDER

Steven Merlak, Warden,

Respondent

This is a federal prisoner's habeas case under 28 U.S.C. § 2241.

The petitioner, Jorge Bonilla Mesa, is serving a sentence at the Federal Correctional Institution in Elkton, Ohio. Mesa, an alien subject to removal from the United States, alleges that a detainer that Immigration and Customs Enforcement issued, in anticipation of his removal to Cuba, is invalid. (Doc. 1 at 1, 5). He also seeks a transfer to a federal prison in Florida and contends that his imprisonment has caused an "atypical and significant hardship." (*Id.* at 5).

Pending is Magistrate Judge Baughman's Report and Recommendation, which recommends that I grant the Warden's motion to dismiss under Fed. R. Civ. P. 12(b)(6). (Doc. 14). The Magistrate Judge advised Mesa to file his objections by September 25, 2018, but that deadline has passed without a filing by Mesa.

Because Mesa has not filed an objection, he has waived his right to a de novo review of the R&R. *Collins v. Comm'r of Soc. Sec.*, 2016 WL 4729299, *1 (N.D. Ohio 2016) (Lioi, J.). Nevertheless, I have undertaken a de novo review of the R&R and concur with the Magistrate

Judge's assessment that Mesa has not stated a claim on which relief may be granted. Dismissal of the petition under Rule 12(b)(6) is therefore appropriate.

It is, therefore,

ORDERED THAT:

1. The Magistrate Judge's Report and Recommendation (Doc. 14) be, and the same hereby is, adopted as the order of the court; and
2. The respondent's motion to dismiss (Doc. 12) be, and the same hereby is, granted, and the petition for a writ of habeas corpus be, and the same hereby is, dismissed with prejudice.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge